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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

FATHERS & DAUGHTERS NEVADA,)	
LLC,)	Civil Action No.:.....3:16-cv-1443-SI
<i>Plaintiff</i>)	
<i>v.</i>)	DECLARATION OF DAVID H.
)	MADDEN IN SUPPORT OF
Lingfu ZHANG,)	DEFENDANT'S MOTION FOR
<i>Defendant</i>)	SUMMARY JUDGMENT
)	

I, David H. MADDEN, declare as follows:

1. I am an attorney for Defendant Lingfu ZHANG in the present action.
2. This Declaration is made in support of Defendant's Motion for Summary Judgment, submitted herewith.
3. All of these statements are made on the basis of personal knowledge except those "on information and belief," and as to the latter statements, I believe them to be true.
4. I have represented Mr. ZHANG in this matter since prior to 28 December 2016, the date on

which I entered my Notice of Appearance (docket #16).

5. The parties have engaged in discovery under a stipulated protective order entered by Judge SIMON on 28 February 2017.
6. Today, on Defendant's behalf, I am submitting a Motion for Summary Judgment that is supported by argument and documentary evidence and Fed. R. Civ. P. 36 admissions obtained from Plaintiff and a few other entities.
7. Substantially all of the documentary evidence was marked "CONFIDENTIAL" by the producing party or entity, so it is being filed under seal according to the terms of the Protective Order.
8. The Memorandum in support of the Motion for Summary Judgment refers to the documentary evidence and includes some short quotations therefrom. Therefore, the Memorandum is also being filed under seal.
9. I used functional pseudonyms in the Memorandum to refer to the non-parties whose actions and agreements are relevant to the issues presented in the Motion for Summary Judgment. For example, I used the name "DISTRIBUTOR 1" to refer to an entity which appears to have rights in the movie similar to what a distributor would have.
10. I also limited the verbatim excerpts from "CONFIDENTIAL" documents in the Memorandum to those words and phrases reasonably necessary to understand the legal argument. I did not include any personally-identifying information or financial information.
11. I believe that the Memorandum may properly be unsealed without further modification or redaction, and in view of the significance of the information it contains to the public, other litigants and other courts faced with the same claims by Plaintiff, I will seek de-designation.
12. As to the Exhibits submitted under seal with the Memorandum, I declare as follows:

13. Exhibit A is a certificate from the U.S. Copyright Office that was submitted by Plaintiff as Exhibit 1 to the First Amended Complaint, docket #10. I have accessed the online search tool provided by the Copyright Office, and I believe that the certificate is a true and correct copy of the records of that office.
14. Exhibit B is a written agreement between Plaintiff and a non-party. It is a true and correct copy of documents I received from Plaintiff's counsel in response to discovery requests.
15. Exhibit C is a written agreement between Plaintiff and a non-party. It is a true and correct copy of documents I received from Plaintiff's counsel in response to discovery requests.
16. Exhibit D is a written agreement between two non-parties regarding rights in the work at issue. It is a true and correct copy of documents I received from one non-party in response to a subpoena I issued to the non-party. I have attached the signed cover letter I received from the responding party to the agreement.
17. Exhibit E is a written agreement between two non-parties regarding rights in the work at issue. It is a true and correct copy of documents I received from Plaintiff's counsel in response to discovery requests.
18. Exhibit F is Plaintiff's written responses to Requests for Admission served on it during discovery. It is a true and correct copy of documents I received from Plaintiff's counsel.
19. Exhibit G is a written document referencing Plaintiff and two non-parties. It is a true and correct copy of documents I received from Plaintiff's counsel in response to discovery requests.
20. I have also submitted under seal a [DRAFT] Statement of Stipulated Facts. The Court required the submission of such a statement in its order of 25 January 2017 (docket #19). I provided a copy of this statement to Plaintiff's counsel, but he has not indicated whether Plaintiff will stipulate (whether for all purposes or only for purposes of summary judgment). I

will submit an updated copy of this document if I receive Plaintiff's response.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, and I understand that my statement is made for use as evidence in court.

21 September 2017

Date

David H. MADDEN